

REMARKS

This responds to the final Office Action mailed on March 22, 2006.

No claims are amended. Claims 1-29 are pending in this application.

§102 Rejection of the Claims

Claims 1-10 and 12-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lewis et al. USPN 5,673,331 (hereinafter “Lewis”). The rejection is respectfully traversed.

While the claims and Lewis may have similar goals in mind – that of determining the reading of a meter using image processing – they accomplish it quite differently, as represented in the claims.

“Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Office Action indicates that Lewis describes a template and feature vectors that correspond to a needle template. This assertion is respectfully traversed. The template of Lewis describes a needle, and the feature vectors describe the meter.

Claim 1 describes a template, and one or more feature vectors associated with each template that are used to locate features within sub images. Thus, templates contain feature vectors used to identify parts of an image, such as a needle. The templates further contain rules associated with the features. Lewis actually describes that the needle template is a representation of an image of a needle. “It is preferred to create a needle template which is thinner than the needle 1a but thicker than any potentially interfering images...In this manner, a high pixel density within the template can be employed in order to avoid false locations of the needle 1a, since the template will, at some point, fall squarely within the needle and be substantially completely black.” Thus, the template of Lewis is quite different than the currently claimed template. The feature vector that the Office Action refers to in Lewis relates to the meter, and the positions of the needle within the meter. At Col. 4, lines 44-67, the left most and right most positions of the needle within the meter help represent the meter scale in degrees to allow the

meter reading to be "...calculated from the position of the needle 1a in degrees." Col. 5, lines 17-18. Since the Office Action equates such teaching to the feature vectors in claim 1 and dependent claims 2-6, which are actually referring to the needle in this example, Lewis does not contain the same elements as arranged in the claim, and a proper prima facie case of anticipation has not been established.

In independent claim 7, and dependent claims 8-11, the image feature is again represented by a vector, as opposed to a template in Lewis. Thus, at least one element is different, and the rejection should be withdrawn.

Independent claim 12 uses templates to identify values, not to identify the needle as in Lewis. Further, the templates include rules, whereas the templates in Lewis only contain an image that is matched to identify the location of a needle. The elements are arranged quite differently in claim 12 than in Lewis, and are in fact used to represent different concepts. The rejection should be withdrawn.

Claim 13 and dependent claims 14-17 distinguish from Lewis at least in the same manner as claim 1.

Claim 19 and dependent claims 20-21 distinguish from Lewis at least in the same manner as claim 1.

Claim 22 and dependent claims 23-29 distinguish from Lewis at least in the same manner as claim 1.

§103 Rejection of the Claims

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis et al. USPN 5,673,331 (hereinafter "Lewis"). This rejection is respectfully traversed, as claim 11 depends from a claim which is believed allowable and distinguishes Lewis for at least the same reasons as such claim.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

MICHAEL JOHNSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6972

Date 5-22-2006

By 
Bradley A. Forrest
Reg. No. 30,837

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22nd day of April, 2006.

Name

Signature